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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,736	05/07/2007	Christian F. Rosenberg	10951-000738	2512
23456 7590 04/13/2009 WADDEY & PATTERSON, P.C. 1600 DIVISION STREET, SUITE 500 NASHVILLE, TN 37203				
EXAMINER				
FOX, CHARLES A				
ART UNIT		PAPER NUMBER		
3652				
NOTIFICATION DATE		DELIVERY MODE		
04/13/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/587,736

Applicant(s)

ROSENBERG, CHRISTIAN F.

Examiner

Charles A. Fox

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 20070604
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Information Disclosure Statement

The reference to Grunner has an incorrect patent number listed on the IDS filed on June 4, 2007. The reference was considered and is cited on the attached PTO-892 to make it of record. The incorrect listing was lined through on the IDS. No action is required on the applicant regarding this issue.

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

The disclosure is objected to because of the following informalities: the first paragraph should delineate the priority claims of the application back to the originally filed application. No subject matter should be incorporated by reference to an unpublished application or a foreign document. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Conklin. Regarding claim 1 Conklin US 3,372,817 discloses a boat storage and retrieval system comprising:

- a storage area (29) for holding a plurality of boats;
- a movable cradle (28) for supporting a boat during transport and storage;
- a prime mover(20) having a tow frame thereon, said tow frame moving horizontally relative to said prime mover;

wherein said prime mover is capable of both horizontal and vertical movement;

engagement means on said tow frame for selectively engaging a cradle to move it onto and off of said prime mover.

Regarding claim 4 Conklin discloses

- a boat storage and retrieval system comprising:
- a plurality of storage locations (29) for holding a plurality of boats;
- a movable cradle (28) for supporting a boat during transport and storage;
- a prime mover(20) having a tow frame thereon, said tow frame moving horizontally relative to said prime mover;

engagement means on said tow frame for selectively engaging a cradle to move it onto and off of said prime mover.

Regarding claims 5 and 6 Conklin also discloses means (122) for aligning the prime mover at particular storage locations for pick up or delivery of a cradle.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Dane, Jr.
Regarding claim 1 Dane, Jr. US 3,786,942 discloses a boat storage and retrieval system comprising:

- a plurality of storage areas (16) for holding a plurality of individual boats;
- a movable cradle (30) for supporting a boat during transport and storage;
- a prime mover(70) having a tow frame (40) thereon, said tow frame moving horizontally relative to said prime mover;

wherein said prime mover is capable of both horizontal and vertical movement;

engagement means on said tow frame for selectively engaging a cradle to move it onto and off of said prime mover.

Regarding claim 2 Dane, Jr. also discloses that the storage locations are horizontal structural rails forming a matrix of storage locations.

Regarding claim 3 Dane, Jr. also discloses the prime mover is suspended from an overhead traveling crane.

Regarding claim 4 Dane, Jr. discloses

- a boat storage and retrieval system comprising:
- a plurality of storage locations (16) for holding a plurality of boats;
- a movable cradle (30) for supporting a boat during transport and storage;
- a prime mover(70) having a tow frame thereon, said tow frame moving horizontally relative to said prime mover;

engagement means on said tow frame for selectively engaging a cradle to move it onto and off of said prime mover.

Regarding claims 5 and 6 Dane, Jr. also discloses means (60aa,61,59) for aligning the prime mover at particular storage locations for pick up or delivery of a cradle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 571-272-6923. The examiner can normally be reached on 7:00-4:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles A. Fox/
Primary Examiner, Art Unit 3652